



13 AUG 2008

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In re Application of:
ENDO, Tamia, et al. : DECISION ON RENEWED
U.S. Application No.: 10/510,244 : PETITION TO WITHDRAW
PCT No.: PCT/JP03/04750 : HOLDING OF ABANDONMENT
International Filing Date: 15 April 2003 : AND RENEWED PETITION
Priority Date: 16 April 2002 : UNDER 37 CFR 1.47(a)
Atty Docket No.: 040473 :
For: RESIST FILM REMOVING :
APPARATUS ... AND METHOD OF :
REMOVING ORGANIC MATTER :
:

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.181" filed 16 July 2008 and the supplemental submission under 37 CFR 1.47(a), filed 03 April 2008, treated as a renewed petition under 37 CFR 1.47(a). No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the previous decisions mailed herein on 27 January 2006, 31 August 2006, and 16 May 2008. The 16 May 2008 decision dismissed without prejudice applicants' petition under 37 CFR 1.181 for withdrawal of the holding of abandonment for failure to satisfy the requirements of a grantable petition. Specifically, applicants' had not provided the required docket records. The decision noted that, because the application remained abandoned, applicants' renewed submission under 37 CFR 1.47(a) had not been considered.

On 16 July 2008, applicants filed the "Renewed Petition Under 37 CFR 1.181" considered herein.

DISCUSSION

1. Renewed Petition For Withdrawal Of Abandonment (37 CFR 1.181)

The renewed petition under 37 CFR 1.181 includes the docket records required pursuant to MPEP section 711.03(c)(1)(A). These materials, in combination with applicants' previous submission, satisfy the requirements for a grantable petition to withdraw the holding of abandonment based on applicants' failure to receive the petition decision mailed herein on 31 August 2006. Withdrawal of the holding of abandonment is therefore appropriate.

2. Renewed Petition Under 37 CFR 1.47(a)

The decision mailed herein on 31 August 2006 dismissed applicants' renewed petition under 37 CFR 1.47(a) for failure to provide an adequate showing that the non-signing inventor could not be located after diligent effort. Specifically, applicants had not provided an acceptable showing that the statement submitted regarding efforts to locate the inventor was made with firsthand knowledge of such efforts, as required.

On 03 April 2008, applicants supplemented the previous petition with a revised "Declaration In Support Of Petition Under 37 CFR 1.47(a)" executed by Takayoshi KOKUBUN. This statement includes a statement that Mr. KOKUBUN "has first hand knowledge with respect to the facts set forth in this Declaration," that is, with respect to the specific efforts made to locate the non-signing inventor. This revised statement, in combination with the previously filed materials, provides an acceptable showing that the non-signing inventor cannot be located after diligent effort. Applicants have therefore now satisfied the final requirement for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The renewed petition for withdrawal of the holding of abandonment is **GRANTED**.

The Notification Of Abandonment (Form PCT/DO/909) mailed 07 February 2008, based as it was on applicants' failure to respond to the decision mailed 31 August 2006 that applicants did not receive, is appropriately **VACATED**.

The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Atsushi SATO.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 April 2006.



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In re Application of: ENDO, Tamia, et al.
U.S. Application No.: 10/510,244
PCT No.: PCT/JP03/04750
International Filing Date: 15 April 2003
Priority Date: 16 April 2002
Atty Docket No.: 040473
For: RESIST FILM REMOVING APPARATUS ... AND METHOD OF
REMOVING ORGANIC MATTER

Dear Mr. SATO:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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